

TESTIMONY GIVEN IN HARRIS CASE

Story of the Arrest is Graphically
Told in Court by the Eye-
Witnesses.

JUDGE GRAVES HEARS TRIAL

The case of Harris against The Bee, which is one of a series of damage suits, aggregating some \$65,000, growing out of the arrest of the plaintiff and the account of it in the newspaper, has finally come to trial before Judge Graves, before whom the witnesses are bringing out the facts. The recital of Miss Thompson, who was clerk in the Cunningham jewelry store in Council Bluffs, and who told about the visit of the Harris case to purchase a baby ring and the simultaneous disappearance of a valuable diamond ring, was as follows:

Miss Thompson's statement.
Q. Just state to the jury in substance, as well as you can remember, what occurred then with regard to conversation and so on.

A. The gentleman and lady came into the store and wanted to see an inexpensive diamond ring for a child, for their little girl. I saw some in the window; Mr. Cunningham was outside. I don't know whether he was in the back room or outside. So I simply took the rings out of the window and showed them to him. There were two marked, more expensive ones in the lot; one worth about \$50 and, if I remember rightly, the other was worth thirty something. I showed them the rings and there was nothing among them that they wanted. Then they wanted to see a gold band ring and I put the cases—each one of the diamond rings was in an individual case, such as they are put in when you buy them. I just set the cases back without counting them and took out the tray of gold band rings, and the people looked in the window until I had put away the tray of gold band rings and they had just left the store when I missed the case containing the \$50 diamond ring. I immediately notified Mr. Cunningham; he had just come in; and he told me to look up and down the street. I walked up the street as far as the next jewelry store, and, seeing no sign of them, I came back and went over and notified the police.

Q. What had you done with reference to counting the rings or knowing the number of rings that were in the window before the Harris case came in?

A. Well, I always put them in the window every morning. We had eight.

Q. And after they left how many were there?

A. There were seven then. One was missing in the place in the window.

Q. Immediately after the Harris case left and you noticed the diamond ring missing was the same missing also?

Mr. Bremer: That is objected to as leading.

Objection sustained. The defendant excepts.

Q. Well, state whether or not simply the diamond ring was missing or the diamond ring and case?

A. The diamond ring and the case both were gone.

Tells of Search.

Miss Thompson also narrated the search which she and Mr. Cunningham made for the Harris case, resulting in finally finding them sitting in front of the Plaza hotel at dusk and their actions at the time of arrest in the following language:

A. We went through the cases looking for them and then we went out to the circus grounds; we gave up out there and came back, rode through the principal streets in Omaha looking at the people sitting in front of the hotels; finally our search was rewarded by finding them in front of the Plaza hotel.

Q. How were they sitting with reference to the chairs, facing you or—

A. The woman had her back toward us and the man was sitting not directly facing us, but near enough so we could see his face plainly.

Q. Did you let her see you?

A. She saw us.

Q. And what did she do then, if anything?

A. I noticed her make a move as though she were telling him to turn around.

Mr. Bremer: I move to strike out what she says about her telling something to him. As to what her actions were she could state.

Sustained. The defendant excepts.

A. She made this move and he turned around so that his face was out of sight.

Q. Tell what occurred about his getting in the automobile, had, if anything with regard to Mr. Harris?

A. Mr. Harris, when we started to get in the automobile was very desirous of leaving his coat behind him. Finally the officer picked up his coat and handed it to him.

Q. State then as near as you can what position Mr. Harris assumed in getting in the automobile?

A. I did not see him get into the automobile, but after we were in the car—

Q. After he was in, then describe.

A. He was sitting back in the corner; he was sitting in a position like this, with his hands over his head.

Q. Back of the car?

A. Over the back of the car.

Dr. Millener Hears
Wireless Message
Sent from Berlin

In working his wireless Monday night at Union Pacific headquarters Dr. Millener got up into the tower where he caught a wireless message that was being sent out from Berlin. The message stated that there was but one man saved of the crew of the French cruiser Chatter, sunk by a German submarine off the Syrian coast February 8.

War is Tying Up
Work on Viaduct

Information received by Mayor Dahlman indicates that the European war is responsible for delay in completing the Louest street viaduct. The mayor wired the Wisconsin Bridge and Iron company, Milwaukee, for an explanation for delay. The answer received was: "Delay due to crowded condition of the rolling mills. Shipments will start in two weeks." It is stated that the Wisconsin Bridge and Iron company has workmen ready to proceed as soon as the belligerent nations of Europe will cease for a few weeks, to enable the rolling mills to fill orders of the Wisconsin Bridge and Iron company.

SEARS APPROVES SMITH'S FEE GRAB

Judge Says Clerk May Pocket Side
Money Taken for Jobs Outside
of His Duty.

COUNTY EMPLOYEES DO WORK

By decision handed down Tuesday Judge Sears gives "Bob" Smith the first round of the district court clerk's fight to pocket some \$8,000 naturalization fees which he has grabbed.

The judge, in effect, says that it is not necessarily the duty of the clerk to have naturalization work done in his office, therefore Smith is entitled to keep whatever "side money" he takes in by the extra job. Meanwhile employees hired to transact the county's business and paid by the county, have done practically all the work for which Smith takes the money.

After hearing of the decision members of the county board said informally they would have the case appealed to the supreme court.

Some Semi-Humorous Sidelights.

After the decision members of the county board received numerous humorous proposals.

"It is not your duty to run a restaurant in the court house, so you would be entitled to keep the profits if you start an eating-house and make county employees run it," was one suggestion.

"Please assign a county employee to run a cigar store for me on the first floor of the court house," was another.

"Sidelights and pin money for everybody" is likely to become the slogan at the court house, according to current discussion following the decision.

The fact that in the Broadwell insanity free-grabbing case county officials "laid down" on the naturalization-fee question is also relied on by Judge Sears in his decision in Smith's case. Referring to this case the opinion says:

Ghost of Old Case Raised.

"Therefore, while it is true that the judgment is silent as to mentioning by name, naturalization fees, the judgment rendered did, by relieving Broadwell from paying the same, just as fully conclude the question and the determination reached was as follows: 'Naturalization fees are not fees which the county has an interest in, but are fees earned outside of duty, as required by the state and his office as clerk of the district court and become, when earned, the property of the individual earning the same, who only happens to be the officer.'"

Legalized Grift.

The part of the opinion which in effect authorizes employees paid by the county to do outside work for the enrichment of Smith is as follows:

"The authority for the hearing of naturalization cases in the district court of the state, is that of a permissive grant of power for such purpose. If the petitions were filed the judges of the court could not be required, either to hear or determine or pass upon the questions raised by the filing of the petition for naturalization. Neither could the clerk of any district court be required to receive and file a naturalization petition.

It is unquestionably the duty of the clerk to collect and report all fees of his office received by him. The question in this case is one further than that: can he be required to report fees that are received by him that do not relate to his office, that do not relate to any prescribed duty imposed upon him by the laws of the state.

"The supreme court of this state on three different occasions has spoken upon this subject, in each instance to the same effect, and I know of no case wherein they have overruled such line of statement so expressed.

Marriage Fee Case.

"In the Vinson case the judge writing this opinion laid exactly the same view that is claimed to be the true one by the plaintiff, and so decided in that case. But the supreme court said that view was an incorrect one, that the power imposed on county judges to perform marriage ceremonies is not of a mandatory nature, but permissive only; that the officer can perform the service or not, as he pleases, and that consequently the county had no interest in the marriage fee earned, and could not require the officer to report the fee therefor to report the fee therefor that was received by him."

Pate on Smith's Robe.

Simultaneously with the announcement of the decision Mr. Smith assumed a martyr's robe, which for more than a week he has been sifting and brushing in expectation of it. He asserted that he is being persecuted, although it is common knowledge that he went into the clerk's office nine years ago on a declaration that he would be content with the salary alone, and that he himself as county auditor had before made up the claims by which the county made the fee grabbers, Smith included, put back the insanity fees.

Workman Sustains
Minor Fractures in
Fall of Forty Feet

Gottfred Rudgren, 32 years of age, a farmer, fell forty feet from the roof of a new flat at 1912 Jones street. His only injury was a fracture of a small bone in his shoulder.

Rudgren was taken to a hospital, where his condition is said to be not serious. His home is at 1912 South Twenty-seventh avenue. He is employed by Olson Bros.

AUDUBON BIRD PICTURES
TO BE SHOWN AT MEETING

Exhibition of the volumes of Audubon's bird illustrations in the Byron Reed collection at the public library, will be a feature of the next regular meeting of the Nebraska Audubon society, to be held Saturday evening at 8 o'clock at the library. The 500 colored illustrations were made from Audubon's larger original pictures by his son.

Miss Joy Higgins, secretary of the Bird club, will describe a volume of the original Audubon pictures, which was owned by one of her grandparents in Ireland. Miss Higgins and L. O. Holsky will make talks on their observations of birds, as seen in Illinois around Omaha.

The Strange Case of Mary Page

By Frederick Lewis, Author of
"What Happened to Mary" :: Pictures by
Essanay

(Continued from Yesterday.)

SYNOPSIS.
Mary Page, actress, is accused of the murder of David Pollock and is defended by her lawyer, Philip Langdon. Pollock was intoxicated. At Mary's trial she admits she had the revolver. Her maid testifies that Mary threatened Pollock with it. Langdon tells of a strange hand print he saw on Mary's shoulder. The defense shows that Pollock was drunk and that Mary was in a state of temporary insanity at the time of the murder.

CHAPTER V.

Her Father's Death.

"Did you go into the house after they had left?" Langdon's voice was very gentle now, and Mrs. Page smiled at him, a smile that was far sadder than tears, as she said:

"No—I wrapped myself up and sat on the steps. I felt near to Mary—out under the stars."

But now the district attorney was on his feet holding up an arresting hand.

"Mrs. Page," he said harshly, one lean finger thrust toward her menacingly, "if your husband struck your daughter and injured her so terribly that she temporarily lost her reason, why doesn't she carry a scar?"

"Why, she does." There was a note of surprise in the quick answer, and Mary's fingers tightened ever so little about the ring in front of her.

"Is it possible to show the court that scar?" There was a murmur in the voices; a new-born realization that something must be done to stem the great tide of sympathy for Mary, and cast disparagement upon this story from the past. But his request was a boomerang.

When Mary, trembling a little, took her place before the court and, lifting the soft hair from her forehead, showed the great, vivid mark of a hideous scar, the murmuring of compassion that swept through the room found a mute echo on the bench itself, and the prosecutor, discomfited, swung curiously away and dropped into his seat as Langdon called the next witness.

"John Alexander MacPherson."

It was the same giant Scotchman who had testified the day before and he dwarfed both judge and jury as he towered in the witness stand, carrying the weight of the forest about him, his eyes filled with the serenity of those who have long looked out across God's great open spaces.

There was nothing nervousness nor softness in his attitude and the pleasant burr of his Scotch was like the tang of burning leaves on an autumn day when he answered Langdon's first question.

"Mr. MacPherson, you have told of seeing Miss Page running through the wood and of my finding her. Will you tell us now, please, whether you saw her again on that night and under what circumstances?"

"I saw Mrs. Langdon again on that night with the hour. I had no more than reached home and were telling my guide wife of the evening when there came a knock at the door. I opened it, and there stood Mr. Langdon. He was all in a fever—fear—not to say commotion, and his face was white. Beyond him I could see two or three other men—all excited like."

"Did you recognize them?"

"Aye, they were men from the town—I had seen them often, and taken a few drapings with them at the hotel come Saturday night. But it were Mr. Langdon who spoke. 'Have you seen Miss Page?' he cried, catching at my sleeve. 'We are looking for her.' 'Did you mean to say you've lost her again?' I asked, and he said, 'Yes.' I led them to my room and I must have lost consciousness. When I came to, she was gone. At that one of the ladies called out, 'Hey, MacPherson, you know the woods better than any other man—give us a bit of help in the search.' There was no need for him to ask it, for I ran out just as I were, bare-headed, and pointed out three paths for them to follow—bidding them beat through the underbrush and look for footprints, for the snow was light and soft, and would show the little feet of feet at every step."

"Did you go with any of the three men?"

"Havers, no, man! I came back for my cap and coat, and I got to the door just in time to save Mr. Langdon from a bad fall; for he would have gone over in a heap if I hadn't caught him. My guide wife and I took him in the house, and when he was revived a bit I was for leaving him, but he wouldn't stay. He said, 'I must find Mary myself—it was I lost her the second time.' So we went out together."

"How long was it before you got a trace of her?" Langdon's voice was toneless, but his eyes were alight with fire as he pictured to himself that strange night hunt for the slender girl he loved.

The occasional shouts of the other searchers; the flash of a lantern; the heavy shadow and vivid white snow; the cold that stung his face and hands and the aching weariness that numbed his muscles, it had been like a nightmare to him, a dream that set his head to throbbing, and in which the only real thing was the stalwart bulk of MacPherson encouraging him forward—and then—the little shoe! He roused himself with a start, realizing that the Scotchman was answering his question.

"It might have been fifteen minutes—maybe more, when we came to her little footprints in the snow. Then—"

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Cold—It's Fine!

"Pape's Cold Compound" ends
severe colds or grippe
in few hours.

You can soothe and break up a
severe cold either in head, chest, body or
limbs, by taking a dose of "Pape's Cold
Compound" every two hours until three
doses are taken.

It promptly opens clogged-up nostrils
and air passages in the head, stops
nasal discharge or nose running, relieves
sick headache, sore throat, feverishness, sore
throat, sneezing, soreness and stiffness.

Don't stay stuffed-up! Quit blowing and
sneezing! Ease your throbbing head—
nothing else in the world gives such
prompt relief as "Pape's Cold Com-
pound," which costs only 25 cents at any
drug store. It acts without assistance,
tastes nice, and causes no inconvenience.
Be sure you get the genuine.—Advertisement.

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Memphis,
New Orleans
And
ALL POINTS EAST
Via
ILLINOIS
CENTRAL

Two Solid Steel Trains
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Tickets and Information at
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407 South 16th St.

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District Passenger Agent.

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LOOKS FOR LET-UP
IN SCARLET FEVER

Dr. Connell Take Optimistic View—
Home of R. B. Howell Released
from Quarantine.

Twelve new cases of scarlet fever
have been reported to the health
department. Dr. Connell still takes
an optimistic view of the situation,
believing that within a few weeks
there will be a decided break of a
favorable nature.

Edward G. Carlson, 7 years of
age, 1516 South Twenty-fifth ave-
nue, and Marie Molner, 2 years of
age, 2817 Nicholas street, died this
week of scarlet fever.

The home of R. B. Howell, 1132
South Thirty-fifth street, has been
released from quarantine. Mr.
Howell's son was interned since
January 2 and the general man-
ager of the water plant lived at a
downtown hotel since that date.

Health Commissioner Connell
notes an increase of measles and he
warns physicians to report cases of
this disease promptly to the health
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Epidemic of Measles.

Information just received from Toledo,
O., states that during January there were
75 cases of measles in that city. A
bulletin from the Toledo health office
reads: "An epidemic of measles had been
predicted for this year and that

prophecy is now being fulfilled. More-
over it promises to be the largest and
most disastrous in the history of our
city. Because measles is most con-
tagious during the pre-eruptive stage,
children with catarrhal discharges from
eyes and nose should be isolated until a
positive diagnosis can be made. Other
children in the same home should be
kept out of school until our nurse ar-
rives."

Scarlet fever cases reported in Omaha
during the last twenty-four hours are:
Raher, 1418 North Eighteenth.
Rose, Winberg, 1841 North Twenty-
fourth.

A. Larsen, 284 Leavenworth.
Harry Winberg, 298 California.
Ruth Sullivan, 1718 South Tenth.
Wittma, Delebohy, Deaf Institute.
Howard Ford, 210 South Thirty-second
avenue, (garage).

Fields, 67 North Twentieth.
Craig Davis, 1423 Ohio.
Frank Smith, California hotel.
Hansen, 2120 Douglas.
Morrison, 1803 Clinton.
*Removed to City hospital.

ALL GRAINS ADVANCE IN
PRICE ON OMAHA MARKET

Prices on the Omaha Grain exchange
were higher, with receipts just fair.
Wheat sold at \$1.15 1/2, 1 to 2 cents up
from the prices of Monday. There were
seventy-one carloads on the market.

The poorer grades of corn were 2 cents
up, while the best of the crop was
steady to unchanged. Sales were made
at \$1.05 1/2 cents per bushel. The offerings
were eighty-two carloads.

Oats were a fourth of a cent up, selling
at 66 1/2 cents. Receipts were eleven
carloads.

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ALL GRAINS ADVANCE IN
PRICE ON OMAHA MARKET

Don't Merely "Stop" a Cough

Stop the Thing that Causes It
and the Cough will
Stop Itself

A cough is really one of our best
friends. It warns us that there is in-
flammation or obstruction in a danger-
ous place. Therefore, when you get a
bad cough don't proceed to dose yourself
with a lot of drugs that merely "stop"
the cough temporarily by deadening the
throat nerves. Treat the cause—beal the
inflamed membranes. Here is a home-
made remedy that gets right at the cause
and will make an obstinate cough vanish
more quickly than you ever thought pos-
sible.

Put 3 1/2 ounces of Pinex (50 cents
worth) in a pint bottle and fill the bottle
with plain granulated sugar syrup. This
gives you a full